



UNITED STATES PATENT AND TRADEMARK OFFICE

mw

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,861	02/12/2001	Bart Verhoest	AGFA1-3159	5147

23550 7590 12/15/2003

HOFFMAN WARNICK & D'ALESSANDRO, LLC
3 E-COMM SQUARE
ALBANY, NY 12207

EXAMINER

EICKHOLT, EUGENE H

ART UNIT PAPER NUMBER

2854

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,861

Applicant(s)

VERHOEST ET AL.

Examiner

Eugene H Eickholt

Art Unit

2854

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-26 is/are pending in the application.
- 4a) Of the above claim(s) 23-26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-22 is/are allowed.
- 6) ☒ Claim(s) 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 2854

Newly submitted claims 23-26 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: as being directed to non-elected method claims which may be practiced by hand.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-26 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13 and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by

Luehrs et al.

Sheets are delivered from sheet pile 1 and inked at the Printing Cylinder 28 in the fig 5-5a embodiment. Steam and water cylinders 31-32 form the active drying action. See col. 3, lines 15-75. Endless carrier gripper chain 3 passes the sheets all the way from the supply pile 1 to the delivery pile which reads on the transportation device. The claimed limitation of transporting the receiving substrate along "a first straight portion at said ink applicator" reads on the lateral "straight" contact line formed by the nip of the Fig. 4 impression cylinder 26 with the plate ink applying cylinder 28. The wrap around path of the transported sheets around steam and water

Art Unit: 2854

cylinders 31-32 read on the convex curves limitation. The longitudinal straight portion of the sheet travel path between cylinders 13-14 reads on the claimed "substantially straight portion".

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Leuhrs et al in view of Rezanka.

Leuhrs et al differs from the claims in having a rotary press for ink application and in having a gripper chain transport. Rezanka teaches ink may be applied to a flat surface sheet using a vacuum belt transfer (as recited in claim 17) to move the sheet. It would have been obvious to one of ordinary skill in the printing arts to have substituted ink jet printer 36 which enables the flexibility of variable format printing in place of the fixed image printing for cylinder press. Use of vacuum conveying would enable less mechanical parts to be employed than gripper couples and additionally would be motivated by the ability to recirculate several times the sheet to ensure complete drying of the highly inked areas before release to the output 48, an advantage explicitly set forth by Rezanka.

Leuhrs et al does not have longitudinal straight line ink applying capability whereas Rezanka by using a common vacuum application 34 provides planer support for the sheet in the longitudinal direction during printing. Three of the rolls 27 of Rezanka also read on the two

Art Unit: 2854

convex curves. Motivation for using the flat vacuum support of Rezanka in place of the cylinder support of Leuhrs would be the use of staggered arrays of ink jet print heads extending laterally across the sheet width. See the explicit motivational teaching of Leuhrs at col. 3, lines 60-68 and col. 4, lines 1-2.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luehrs et al in view of DeMoore et al.

Luehrs et al has only one transport conveyor for both the printing couple and the drying area. DeMoore et al teaches use of rotary conveyor 36 also used as the impression cylinder to transfer the sheets between rotary printing units 22, 24, 26 and 28 via transfer drums 38 and intermediate transfer drums 40. This overprinting sequence is used for multi-color printing and reads on the subclaimed "suitable for high precision transport" limitation. Viewing the Figure 3 of DeMoore et al, applicant will note that the final conveyor roll 36 delivers the freshly printed sheet to a delivery cylinder 42, part of a second drying station conveyor system 44. See col. 6, lines 20-24. This conveyor cylinder 36 and system 44 read on the claimed "suitable for high temperature transport" device limitation. It would have been obvious to substitute for the single transport device of Luehrs et al the above conveyor system used by DeMoore et al. Motivation would have been the elimination of costly heat resistance transfer materials in each printing section of DeMoore et al. Note that DeMoore et al at col 6, lines 50-53 specifically teaches use "high performance heat" for drying ink via hot air flow and infra-red thermal radiation at the conveyor system 44. This would require heat resistance materials be used in transport system 44.

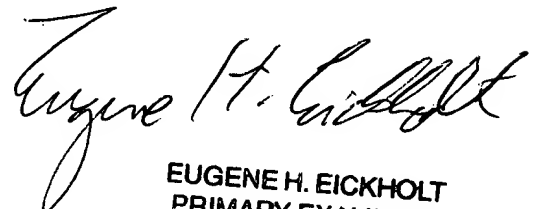
Art Unit: 2854

Applicant's arguments with respect to claims 13-16 have been considered but are moot in view of the new ground(s) of rejection.

Claims 18-22 stand allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


EUGENE H. EICKHOLT
PRIMARY EXAMINER

E EICKHOLT/pj

12/11/03